

PETER A. WALKER, ESQ.
 LORI M. MEYERS, ESQ.
 SEYFARTH SHAW LLP
 620 Eighth Avenue
 New York, New York 10018-1405
 (212) 218-5500
 (212) 218-5526

Attorneys for Defendants

UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF NEW YORK

ANGELO PENA, ROLANDO ROJAS, JOSE DIROCHE, and FRANKLIN SANTANA, individually and on behalf of others similarly situated,	:	ECF Case
Plaintiffs,	:	CIVIL ACTION NO.: 07-CV-7013 (RJH)
v.	:	<u>NOTICE OF MOTION FOR PARTIAL SUMMARY JUDGMENT</u>
SP PAYROLL, INC., NICHOLAS PARKING, CORP., IVY PARKING, CORP., BIENVENIDO, LLC, CASTLE PARKING CORP., SAGE PARKING CORP., and SAM PODOLAK,	:	
Defendants.	:	

PLEASE TAKE NOTICE THAT, upon the accompanying Defendants' Statement of Undisputed Material Facts Pursuant to Local Civil Rule 56.1; the Defendants' Memorandum of Law in Support of Their Motion for Partial Summary Judgment; the Affidavit of Peter A. Walker, dated July 14, 2008, together with Exhibits A through W; and the Affidavit of David Saperstein, dated July 10, 2008; and upon all of the papers and proceedings herein, Defendants, SP Payroll, Inc., Nicholas Parking, Corp., Ivy Parking, Corp., Bienvenido, LLC, Castle Parking Corp., Sage Parking Corp., and Sam Podolak (collectively, "Defendants"), will move this Court on a date and time to be determined by this Court, before the Honorable Richard J. Holwell,

United States District Judge, at the United States Courthouse, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007, New York, for an order dismissing Counts One, Three, Four and Five of Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 56, and for such other and further relief as the Court may deem just and proper.

Pursuant to the Court's direction, Plaintiffs' answering papers to Defendants' motion for partial summary judgment are to be served no later than August 11, 2008 and Defendants' reply papers are due to be served no later than August 18, 2008.

Dated: New York, New York
July 14, 2008

Respectfully submitted,

SEYFARTH SHAW LLP

By s/ Peter A. Walker
Peter A. Walker
Lori M. Meyers
620 Eighth Avenue
New York, New York 10018
Phone: (212) 218-5500
Fax: (212) 218-5526

Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on July 14, 2008, I electronically filed the foregoing Notice of Motion for Partial Summary Judgment; Defendants' Statement of Undisputed Material Facts Pursuant to Local Civil Rule 56.1; Defendants' Memorandum of Law in Support of Their Motion for Partial Summary Judgment; the Affidavit of Peter A. Walker, together with Exhibits A through W; and the Affidavit of David Saperstein, with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to the following:

Michael A. Faillace (MF-8436)
Michael Faillace & Associates, P.C.
110 East 59th Street, 32nd Floor
New York, New York 10022
(212) 317-1200

Attorney for Plaintiffs

s/ Peter A. Walker
Peter A. Walker